

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

7X CATTLE CO., LLC,

Plaintiff,

v.

DANIEL BRANDSTADT, et al.,

Defendants.

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Case No. 6:22-cv-396-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is Defendant Daniel Brandstadt's motion to amend counterclaims. Docket No. 192. This case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On April 29, 2025, Judge Mitchell issued a Report and Recommendation, recommending that Brandstadt's motion be denied. Docket No. 212. On May 14, 2025, Brandstadt, who is proceeding pro se, filed objections to Judge Mitchell's Report. Docket No. 213. Brandstadt's objections were therefore filed more than fourteen days after he received the Report.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United*

Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Brandstadt filed his objections a day late. Moreover, Brandstadt failed to identify the basis for his objections or the place in the Report where the disputed determinations are found. *See* Docket No. 213. Instead, Brandstadt simply reasserts that he believes Plaintiff 7X Cattle Company intentionally inflicted emotional distress, defamed his character, and interfered with his contracts and business relationships. *Id.* at 1. Only those portions of the Report and findings to which a specific objection is made are reviewed de novo. *See* 28 U.S.C. § 636(b)(1); *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).


Even under de novo review, the Magistrate Judge was correct. Judge Mitchell, in line with Fifth Circuit caselaw, correctly characterized Brandstadt's motion to amend as a motion for reconsideration under Rule 54(b). *See Austin v. Kroger Texas, L.P.*, 864 F.3d 326, 336–37 (5th Cir. 2017). As Judge Mitchell pointed out in her report, Brandstadt has had multiple opportunities to plead his counterclaims and already possessed much of the evidence related to those claims. *See* Docket Nos. 7; 61; 84; 85. Brandstadt's argument that new evidence supports his counterclaims is similarly unpersuasive as he has not revealed the new evidence he believes supports those claims. *See* Docket No. 192. Moreover, Brandstadt's assertion that he has been unable to adequately plead his claims due to ongoing emotional distress is unpersuasive given his robust participation in this case. Perhaps most importantly,

giving Brandstadt another chance to plead his counterclaims at this stage would further delay the trial, which is currently set for July 21, 2025. This factor weighs heavily against granting Brandstadt's motion. *See Turk v. Pershing*, 2019 WL 13074701, at *1 (N.D. Tex. Aug. 1, 2019) ("A district court's broad discretion under rule 54(b) must be exercised sparingly in order to forestall the perpetual reexamination of orders and the resulting burdens and delays").

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Having conducted a de novo review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct and that Brandstadt's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report and Recommendations of the United States Magistrate Judge (Docket No. 212) as the findings of this Court. Brandstadt's motion to amend counterclaims (Docket No. 192) is **DENIED**.

So **ORDERED** and **SIGNED** this 11th day of **June, 2025**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE